

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC, d/b/a
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Civil Action No. 6:20-cv-00727-ADA

**DECLARATION OF MICHAEL R. FRANZINGER IN SUPPORT OF
HEWLETT PACKARD ENTERPRISE COMPANY'S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1)**

I, Michael R. Franzinger, hereby declare, affirm and state as follows:

1. I am an attorney with Sidley Austin LLP, counsel to Defendant Hewlett Packard Enterprise Company. I am a member of the bar of this Court. I have personal knowledge of the matters stated in this Declaration and would testify truthfully to them if called upon to do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of a recorded Assignment of U.S. Patent Application for the '832 patent (USPTO Reel/Frame 014808/0989), obtained from <https://assignment.uspto.gov/> on October 6, 2021.

3. Attached hereto as Exhibit 2 is a true and correct copy of a recorded '832 patent Assignment (USPTO Reel/Frame 044000/0053), obtained from <https://assignment.uspto.gov/> on October 6, 2021.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00008254 – 00008272, as served in this litigation.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Patent Assignment Schedule B1 produced by WSOU bearing Bates Nos. WSOU-HPE-00005417 – 00005568, as served in this litigation.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Amendment to Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00008732 – 00008736, as served in this litigation.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Patent Purchase Agreement – Schedule A produced by WSOU bearing Bates Nos. WSOU-HPE-00008273 – 00008474, as served in this litigation.

8. Attached hereto as Exhibit 7 is the output of a search for WSOU's cases in the U.S. District Courts, run on the Docket Navigator web service on October 6, 2021.

9. Attached hereto as Exhibit 8 is a true and correct copy of the WSOU Operating Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00011084 – 00011102, as served in this litigation.

10. Attached hereto as Exhibit 9 is a true and correct copy of WSOU's Responses and Objections to HPE's First Set of Interrogatories, as served in this litigation.

11. Attached hereto as Exhibit 16 is a true and correct copy of the Fifth Amendment to Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00010964 – 00010978, as served in this litigation.

12. Attached hereto as Exhibit 17 is a true and correct copy of WSOU's First Supplemental Responses and Objections to HPE's First Sets of Interrogatories (Case Specific Interrogatory No. 3), as served in this litigation.

13. Attached hereto as Exhibit 18 is a true and correct copy of the Fifth Amendment to Patent Assignment Amended Schedule B1 produced by WSOU bearing Bates Nos. WSOU-HPE-00005664 – 00005815, as served in this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 7, 2021

/s/ Michael R. Franzinger

Michael R. Franzinger